

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 10 2006 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOHN AMES AND MICHAEL PANTONY AS
TRUSTEES OF THE UNITED WELFARE FUND -
WELFARE DIVISION,

PM.
TIME A.M.

CIVIL ACTION NUMBER
05 CV 3478 (CBA)(SMG)

PLAINTIFFS,

-AGAINST-

JUDGMENT BY DEFAULT

BMW MEATS, LLC A/K/A HOMESTEAD MEADOWS
FOODS CORP. and HOMESTEAD MEADOWS FOODS
CORP.,

DEFENDANTS.

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This action having been commenced on July 25, 2005 by the filing of the Summons and Complaint and a copy of the Summons and Complaint having been served upon defendant, BMW Meats, LLC, was served on August 18, 2005 by delivering and leaving with defendant's agent, Angela Soloman at CT Corp., a copy of the Summons and Complaint; and an Amended Summons and Amended Complaint having been filed on September 20, 2005 and served on Defendants BMW Meats, LLC a/k/a Homestead Meadows Foods Corp. and Homestead Meadows Foods Corp. on September 30, 2005 by delivering and leaving with defendants' Managing Agent, Hope M., copies of the Amended Summons and Amended Complaint; and the defendants not having appeared in this matter; and the defendants having not answered the Complaint; and the time for appearing and answering the Complaint having expired; and the default of said defendants in the premises of having been duly entered according to law; upon application of plaintiffs, judgment is hereby entered against said defendants pursuant to the prayer of said complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid, it is

ORDERED, ADJUDGED AND DECREED, that defendants, their officers and agents have failed to remit contributions to the plaintiffs each month as required by the collective bargaining agreement for the period February through March 2005; and

ORDERED, ADJUDGED AND DECREED, that defendants, its officers and agents shall remit the full amount of contributions each month as required by the collective bargaining agreement plus bank fees for returned checks; and, it is further

ORDERED, ADJUDGED AND DECREED, that the plaintiffs have judgment against the defendants BMW Meats, LLC a/k/a Homestead Meadows Foods Corp. and Homestead Meadows Foods Corp. in the sum of \$19,559.05 constituting \$12,900.00 for unpaid contributions to the Fund; bank fees on checks returned for insufficient funds in the amount of \$125.00; liquidated damages in the amount of \$2,580.00; attorney's fees in the amount of \$2,000.00; interest on unpaid contributions in the amount of \$1,704.05 and costs in the amount of \$250.00, amounting in all to \$19,559.05

Dated:

3/9/06

/s/ Hon. Carol B. Amon

United States District Judge

THIS JUDGMENT WAS DOCKETED ON

3/10/06